

Chapter 17.12 SECURITY OF BODIES OF WATER TO BE USED FOR THE PURPOSE OF HUMAN IMMERSION*

***Note to Chapter 17.12.**

17.12.010 Protective enclosures for swimming pools, etc.

17.12.020 Doors or gates.

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17.12.050 Penalty for violation.

***Note to Chapter 17.12.**

* Prior ordinance history: Ord. 581.

17.12.010 Protective enclosures for swimming pools, etc.

A. Every person who owns or is in possession of any lot or premises on which there is situated a swimming pool, fish pond, wading pool or any other outside body of water created by artificial means designated or used for swimming or other immersion purposes by men, women or children, any portion of which body of water is one and one-half feet or more in depth and in which the surface area of water does not exceed ten thousand square feet, shall maintain a fence, wall, or other structure on the lot or premises completely surrounding such body of water to make same inaccessible to children. Such fence, wall or other structures shall comply with Article 2, commencing with Section 17928 of the State Health and Safety Code, relating to swimming pools as follows:

1. The top of the barrier shall be at least five feet above grade measured on the side of the barrier that faces away from the swimming pool.

2. Any openings in the barrier shall not allow passage of a four inch diameter sphere.

3. Solid barriers which do not have openings, such as masonry or stone walls, shall not contain indentations or protrusions excepting tooled masonry joints.

4. If the barrier is composed of horizontal and vertical members and the distance between the tops of vertical members is less than forty-eight inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and three-quarters inches in width. If there are decorative cutouts, they shall not exceed one and three-quarters inches in width.

5. If the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-eight inches or more, spacing between vertical members shall not exceed four inches. If there are decorative cutouts within vertical members, spacings or openings within the cutouts shall not exceed one and three-quarters inches in width.

6. The maximum mesh size for chain link or wire fences shall be two inches structure. The wire shall not be less than twelve gauge.

7. If the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three-quarters inches.

8. a. Each access gate shall comply with the requirements of subsections (A)(1) to (A)(7) of this section, inclusive, and shall be equipped to accommodate a locking device.

b. Pedestrian-access gates shall open outward away from the pool and shall be self-closing and self-latching.

c. Gates other than pedestrian access gates shall have a self-latching device. If the release mechanism of the self-latching device is located less than fifty-four inches from the bottom of the gate, the release mechanism shall be located on the pool side of the gate and barrier have no opening greater than one-half inch maximum dimension within eighteen inches of the release mechanism.

9. The foregoing provisions shall apply to all permanent and to all portable or temporary structures including those designed or used for swimming or other immersion purposes by men, women or children irrespective of the nature of the materials used in the construction and or the design thereof and irrespective of the length of time of use of such portable or temporary structure.

B. A pool located on a lot with a single-family dwelling or duplex may be protected by a fence around the pool or a fence around the entire lot; the walls of any such building may be used for a partial or complete enclosure of the pool. All other pools shall be protected by a fence around the pool itself.

C. In lieu of a permanent fence being required prior to starting of construction, a temporary enclosure may be installed at time of excavation. Height and gate requirements for temporary enclosures shall be the same as those for permanent fences. The temporary enclosure is to be removed and the permanent enclosure installed in conjunction with installation of the finish decking around the pool or prior to final inspection. (Ord. 762 N.S. § 1 (part), 1999: Ord. 628 N.S. (part), 1992)

17.12.020 Doors or gates.

All doors or gates shall be of such size as to completely fill any opening in the fence, wall or other structure large enough to admit a child and shall be of such size and design so as not to admit any child when it is in a closed position. Such door or gate shall be secured with a locking device or equipped with self-closing and self-latching devices capable of keeping such gate or door securely closed. Such closing or latching devices shall be located not less than four feet above grade or otherwise be inaccessible from the outside to small children. In lieu of self-closing and self-latching devices at pools where a direct fee is charged and or where continuous lifeguard service is provided, doors and gates may be equipped with locks which shall be kept locked at all times when such pool,

pond or other body of water is not in actual use. Lifeguard service shall be as defined in Section 24100.1 of the California Health and Safety Code. (Ord. 762 N.S. § 1 (part), 1999: Ord. 628 N.S. (part), 1992)

17.12.030 Telephone jack required next to pool.

Every outdoor swimming pool shall be equipped with a telephone jack adjacent to the pool area. "Telephone jack" means a standard modular telephone connector suitable for connecting a telephone. (Ord. 762 N.S. § 1 (part), 1999: Ord. 628 N.S. (part), 1992)

17.12.040 Filling swimming pool illegal without fence surrounding pool.

The requirements contained within this chapter shall be applicable to any pool building or installed after adoption of this chapter. Consistent with Section 17928 of the State Health and Safety Code any pool transferred to a new owner on or after July 1, 1992, shall be entirely enclosed with a barrier which restricts access to the swimming pool from public or adjacent private property.

Every person who fills with water, causes the filling with water any swimming pool required to be fenced by this chapter before the required fence is erected is guilty of a misdemeanor. (Ord. 762 N.S. § 1 (part), 1999: Ord. 628 N.S. (part), 1992)

17.12.050 Penalty for violation.

Any person who violates any of the provisions of this chapter, or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken or who fails to comply with such an order as affirmed or modified by the jurisdiction, within the time affixed herein, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor. (Ord. 762 N.S. § 1 (part), 1999)